

## REMARKS

*1. Amendment to Specification*

In the specification the paragraph starting at page 12, line 15 has been amended to correct a minor typographical error.

*2. Status of claims*

Claims 1, 8, 11, and 17 have been amended. Claim 2, 12, 18 have been canceled. After entry of the above amendments, claims 1, 3, 4, and 7 – 10 are pending and under consideration. Claims 11 – 19 have been withdrawn as the result of an earlier restriction requirement.

*3. Support for amendments*

Claim 1, 11 and 17 have been amended to incorporate the limitation “hindered amine” and “(HALS)”. This limitation finds support throughout the specification; a few instances include page 6, lines 12 - 24, and originally filed claims 2, 12, and 18.

Claim 1, 11 and 17 have been amended to incorporate the limitation “wherein the HALS comprises methyl 1,2,2,6,6-pentamethyl-4-piperidyl sebacate”. This limitation finds support throughout the specification; a few instances include page 6, lines 21-24, page 11, line 22-23, and originally filed claim 8.

Claim 8 has been amended to clarify a dependency from a claim that is now canceled and to delete limitations now incorporated into claim 1 from which it now depends.

Claims 11 and 17 have been amended to incorporate the limitation “wherein the UV absorber further comprises 2-(2H-benzotriazol-2-yl)-4,6-ditertpentylphenol or 2-(4,6-diphenyl-1,3,5-triazin-2-yl)-5-(hexyl)oxyphenol”. This limitation finds support throughout the

specification, a few instances include page 5, lines 14-16, page 11, line 5, page 11, line 16, and originally filed claim 6.

The Applicant respectfully submits that no new matter has been added by these amendments.

4 *Claim rejections under 35 U.S.C. §103*

Claims 1-4, 7-10 have been rejected by the Examiner under the provisions of 35 U.S.C. §103(a) as being unpatentable over U. S. Patent No. 5,760,111 issued to Birbaum *et. al.* (*Birbaum*) in view of Ciba Literature on Tinuvin® 1577 (*Ciba*). In view of the amendments contained herein, the Applicant submits that none of these references when considered separately or when combined with each other render obvious the claimed subject matter.

Claim 1, 11, and 17 have been amended to recite, "wherein the HALS comprises methyl 1,2,2,6,6-pentamethyl-4-piperidyl sebacate". Claim 2, 12 and 18 have been canceled. Claims 3,4, 7 – 10 are dependant on amended claim 1. Applicant respectfully submits that neither *Birbaum* nor *Ciba* when considered separately or in combination with one another disclose each and every limitation of amended claim 1. In particular, this combination of references fails to describe a monovinylarene-conjugated diene copolymer comprising the specified UV absorbers and about 0.1 wt% to about 2.5 wt% of a HALS which comprises methyl 1,2,2,6,6-pentamethyl-4-piperidyl sebacate. Given that neither *Birbaum* or *Ciba* alone or in combination do not disclose each and every limitation of amended claim 1 the Applicant respectfully submits that the obviousness rejection has been overcome and that pending claims 1, 3, 4, 7 – 10 are in a condition for allowance.

Accordingly, the Applicant respectfully requests reconsideration and withdrawal of this rejection.

If the examiner is still of the opinion that a *prima facie* case of obviousness remains after the amendments and remarks above, the examiner is respectfully directed toward a comparison of the data supplied in Examples 3 and 11. Both of these examples contain KR03 and 0.3 wt% Ciba® TINUVIN® 328 and 0.4wt% of a HALS (Page 11, Table 1). The detailed description at page 11, line 16 describes Ciba® TINUVIN® 328 as referring to a commercially available 2-(2H-benzotriazol-2-yl)-4,6-ditertpentylphenol, one of the two claimed UV absorbers. The difference between example 3 and 11 is the choice of HALS. Example 3 contains Ciba® TINUVIN® 770 and Example 11 contains Ciba® TINUVIN® 765. The specification at page 11, line 7 describes TINUVIN® 770, and at page 11, lines 22-23 TINUVIN® 765 is described. A difference between TINUVIN® 770 and TINUVIN® 765 is that TINUVIN® 765 comprises methyl 1,2,2,6,6-pentamethyl-4-piperidyl sebacate. The polymer incorporating TINUVIN® 765, and thus comprising methyl 1,2,2,6,6-pentamethyl-4-piperidyl sebacate, has a much lower  $\Delta$  Hunter b value, with sample 11 having  $\Delta$  Hunter b value that is 7.13 units lower than sample 3. This difference is significant enough to allow the resultant composition to be classified as having a low degree of yellowing (page 12, lines 11 – 14). Sample 11 is also more resistant to yellowing than the Lexan® polycarbonate positive control.

#### 4 *Reconsideration of the September 23, 2004 restriction requirement*

If the Examiner finds that claims 1, 3, 4, 7 – 10 define patentable subject matter, the Applicant respectfully requests the Examiner to reconsider the restriction requirement of September 23, 2004 in light of the amendments to claims 11 and 17 to determine whether it is still applicable. As stated in MPEP § 821.04, "*if applicant elects claims directed to the product, and a product claim is subsequently found allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable product claim will be rejoined*".

5 *Closing remarks*


The Applicant respectfully submits that all pending claims under consideration, claims 1, 3, 4, 7 - 10 define patentable subject matter. The Applicant has respectfully requested reconsideration of the examiner's earlier restriction requirement, however, the Applicant retains the right to present claims 11 - 19 in a divisional application or request rejoinder at a later date. At least one claimed element is missing from *Birbaum* and *Ciba*. Even if the combination of the references were deemed proper, the combination does not disclose each element of the present claims.

Accordingly, the Applicant respectfully requests reconsideration of the application, as amended, and allowance of all of the claims. The Examiner is invited to contact the undersigned patent agent at (832) 813-4619 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

CHEVRON PHILLIPS CHEMICAL COMPANY, LP  
CUSTOMER NO. 32223

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David W. Dockter, Ph.D.  
Reg. No. 55,120  
10001 Six Pines Drive  
The Woodlands, TX 77380  
Direct (832) 813-4619  
Fax (832) 813-6060

AGENT FOR APPLICANT